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No. 05-908 and 05-915

IN THE

Supreme Court of the United States

PARENTS INVOLVED IN COMMUNITY SCHOOLS,
Petitioner,

v.

SEATTLE SCHOOL DISTRICT NO. 1, *ET AL.*,
Respondents.

CRYSTAL D. MEREDITH, CUSTODIAL PARENT AND NEXT FRIEND OF JOSHUA RYAN MCDONALD,
Petitioner,

v.

JEFFERSON COUNTY BOARD OF EDUCATION, *ET AL.*,
Respondents.

On Writs of Certiorari to the United States Courts of Appeals for the Ninth and Sixth Circuits

BRIEF OF THE NATIONAL PARENT TEACHER ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICUS CURIAE**

The National Parent Teacher Association ("PTA") is a non-profit organization consisting of parent and teacher members of 26,000 local PTAs from every state in the nation. Our mission is to support and speak on behalf of children and youth in the schools, in the community, and before governmental bodies and other organizations that make decisions affecting children, to assist parents in developing skills necessary to raise children, and to encourage parent and public involvement in the public schools of this nation.

Originally known as the National Congress of Mothers, the PTA was founded in 1897 with the following mission:

"The National Congress of Mothers, irrespective of creed, color, or condition, stands for all parenthood, childhood, homehood. Its platform is the universe, its organization, the human race."[1]

While the National Congress of Mothers was always inclusive and open to members regardless of race, black parents and teachers in states with segregated school systems had a distinct set of concerns.

In the early years of the 20th century, black mothers and teachers began organizing local units of a Congress of Colored Parents and Teachers. In 1926, these units joined to form the National Congress of Colored Parents and Teachers ("NCCPT"). The two organizations often worked together, recognizing the commonalities of their missions of improving education for all children. During the years

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* Letters of consent by the parties to the filing of this brief have been lodged with the Clerk of this Court. No counsel for any party in these cases authored this brief in whole or in part, and no person or entity, other than *amicus*, made any monetary contribution to its preparation.

[1] NATIONAL PTA, THE PTA STORY: A CENTURY OF COMMITMENT TO CHILDREN 12 (1997).

following the Supreme Court's decision in *Brown v. Board of Education*, and the passage of the 1964 Civil Rights Act, local PTA units began to merge with local NCCPT units in areas in which integration proceeded peaceably. By the mid 1960s, the National PTA and NCCPT began to discuss a formal merger of the two organizations, which at last took place in 1970.

In the 1980s, the PTA recognized the need to direct its efforts toward an even more varied group of families. The PTA began translating its documents into Spanish, placing articles about its activities in Spanish-language newspapers around the country, and creating Spanish-language videos to complement its English videos.

As parents and teachers, we care deeply about ensuring that all of our children receive a sound education. Our nation's public schools have long played the critical roles of conveying crucial skills such as literacy and mathematics, while also transmitting to our children the democratic values upon which our nation was founded. The PTA has long recognized that our democracy and our communities suffer if our children do not learn together and if we as parents and teachers are not united across race and ethnicity within the schools.

During the more than a century since its inception, the PTA has championed the importance of equal opportunity for all children. The PTA has consistently worked to promote the welfare of all children and youth in home, school, community and places of worship, to raise the standards of home life, and to secure adequate laws for the care and protection of children and youth. The PTA has worked to develop relationships that link the home and school so that parents and teachers may cooperate intelligently in the

education of children and youth. In addition, the PTA has sought to develop between educators and the general public efforts to secure for all children and youth the optimal physical, mental, social, and spiritual education. As one PTA mother wrote in a recent issue of the PTA's National Magazine, "[i]f we are to truly prepare our children to live and succeed in this country, we must capitalize on our nation's greatest strength—its diversity."[2]

The PTA submits this brief *amicus curiae* in support of Respondents Seattle School District and Jefferson County Board of Education, urging this Court to affirm school districts' discretion to take racially conscious actions when necessary to ensure that students are educated in multiracial settings.

INTRODUCTION AND SUMMARY OF ARGUMENT

As parents and teachers, we aspire to raise and educate our children to succeed in an increasingly globalized and rapidly changing world. In our daily experience raising and teaching children, it has become abundantly clear that to prepare children to participate in today's complex society, education must include learning with children from multiple racial and ethnic backgrounds. In a multiracial setting, all children are provided the best opportunity to master necessary academic skills, to engage in critical thinking, to achieve comfort with members of other races and ethnic groups, and to aspire to their highest potential. Students educated in multiracial settings are also more likely to exhibit racial tolerance and to feel comfort with racial groups

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[2] Carol M. Stern, *For A Stronger PTA, Put Diversity in the Details*, OUR CHILDREN, Aug./Sept. 2006, http://www.pta.org/pr_magazine_article_details_1156455404328.html.

different than their own. For more than a century, the PTA has aspired to these goals for the children of this nation.

Ideally, every neighborhood school would provide such a multiracial setting. However, many of our cities, towns and suburbs remain racially isolated. Our experience has shown that school districts are often required to pay attention to the racial composition of each school to ensure that schools do not become racially homogenous. Once a school is seen as a "white" school or a "black" school or is otherwise racially or ethnically identifiable, parents and students from other racial groups often consider themselves unwelcome and the pattern of racial isolation becomes institutionalized. The PTA considers it imperative that this Court reject a holding that would withhold from local school boards and districts the tools necessary to prevent the development of racially isolated schools.

The student assignment plans in Seattle, Washington ("Seattle") and Jefferson County, Kentucky ("Jefferson County") at issue here are a reflection of the v[illegible] of those communities. While not every parent may agree with the assignment plans in place, it is our experience that no educational decision garners universal support. Here, however, the school boards have determined that the student assignment plans further the broader needs and interests of the children and parents that make up those communities.

The cases at bar involve local school districts' decisions to ensure that students in public schools from kindergarten through high school obtain the benefits of education in a multiracial setting. These cases do not involve the division of scarce resources such as jobs, contracts, or admission to elite institutions. Rather, they reflect local government's attempts to provide an excellent education to *all* students.

The local governments' actions here are consistent with our nation's long struggle to overcome the ills of racial division. Indeed, in the PTA's view, these cases concern the fundamental values of equal opportunity to education, local control and the benefits of education in a multiracial setting

In our experience as parents and teachers, education in a multiracial setting is a compelling governmental interest for two distinct but interrelated reasons. First, for all of our children, learning and playing with children of different races and ethnicities during primary and secondary school is critical to inculcating tolerance, facilitating comfort with members of other racial and ethnic groups, and enhancing critical thinking. Second, children from minority groups, particularly those from impoverished backgrounds, who are educated in diverse schools are better able to access opportunities in higher education and our economy. In order to accomplish this compelling interest, school districts must in some circumstances be able to take race into account. Voluntarily chosen race-conscious student admissions plans reflect the will of parents and communities and result in engaged parents and strong PTAs. For these reasons, the parents and teachers who comprise the PTA contend that the government has a compelling interest in ensuring that students are educated in a multiracial context and that school districts may need to take race into account to achieve this worthy end.

ARGUMENT

I. School Districts Have a Compelling Interest in Providing Students an Education in a Multi-Racial Setting.

Beginning with *Brown v. Board of Education*, 347 U.S. 483, 493 (1954), this Court has affirmed the critical role of

education in our democracy. As this Court so eloquently stated in *Plyler v. Doe*, 457 U.S. 202, 221 (1982), education sustains "our political and cultural heritage." 457 U.S. at 221. Of course, *Brown* principally stands for the proposition that state mandated racial segregation in education is unconstitutional because it "may affect . . . hearts and minds in a way unlikely ever to be undone." 347 U.S. at 494. More recently, in *Grutter v. Bollinger*, 539 U.S. 306, 343 (2003), the Court reaffirmed the "educational benefits that flow from a diverse student body in the higher education context."

This Court has also long championed the principle of local autonomy in the context of education. As this Court stated in *Milliken v. Bradley*, 418 U.S. 717 (1974), "no single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to quality of the educational process." 418 U.S. at 741-42. Seattle and Jefferson County concluded that the interests of the children were best served by school admissions plans that included as one factor among many the value of integrated learning.

Respect for local decision-making does not mean, of course, that school district decisions are not subject to constitutional mandates. *Milliken*, 418 U.S. at 744. This Court previously held that in the context of higher education, educational institutions must establish a compelling government interest if race is considered as a factor. *Grutter*, 539 U.S. at 326. For the reasons stated below, primary and secondary schools also have a "compelling interest" in seeking to obtain the benefits that flow from a racially diverse educational environment.

In *Grutter*, this Court ruled that the University of Michigan Law School "has a compelling interest in attaining a diverse student body." 539 U.S. at 328. In reaching that conclusion, this Court found that the benefits of racial diversity within the educational institution were many. Those benefits included: the fact that racial diversity "promotes 'cross-racial understanding'"; 539 U.S. at 330, that racial diversity enhances students' ability to participate in and strengthen vital American institutions such as the military, business and the government; 539 U.S. at 330, and finally that racial diversity within educational institutions creates a representative leadership class necessary to the perpetuation of American democracy. *Grutter*, 539 U.S. at 330-331.

To be sure, these benefits of racial diversity were identified at the graduate school level. But in our experience, these same benefits are even more crucial during a child's early years of development. The PTA's century of commitment to excellence in primary and secondary education stems from the recognition that the education a child receives from kindergarten through high school sets the stage for later learning and achievement. Accordingly, even those benefits identified in *Grutter* as occurring in the adult years are affected by earlier education experiences.

These years present an important opportunity to prevent racial prejudices from developing, for "[a]t the earliest stages of education, the shadow of racism has had less time to

hover."[3] Indeed, cognitive psychologists have found that early education is when children begin to notice differences and construct classifications.[4] Children are easily influenced by societal stereotyping both in the development of their own identity and their attitudes toward others.[5] Around ages ten or eleven (typically 4th and 5th grade), children begin to develop a full understanding of racial differences as "knowledge of racial classifications evolves from a vague, undifferentiated awarene of skin color differences to knowledge of physical-biological attributes associated with racial membership and eventually to a social understanding

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[3] Lia B. Epperson, *True Integration: Advancing Brown's Goal of Educational Equity in the Wake of Grutter*, 67 U. PITT. L. REV. 175, 216 (2005).

[4] According to Drs. John Dovidio and Melanie Killen, racial awareness begins at an early age. *Comfort v Lynn Sch. Comm.*, 263 F. Supp.2d 209, 236 (2003). In her expert testimony in *Comfort*,

> "Dr. Killen testified that because racial (and certain ethnic) differences are observable, children key on them early in their social development. Differences that are visibly apparent to young children have deeper resonance with them. As a consequence of this early attendance to observable difference, stereotypes about race and (visible) ethnicity set in early and are extremely difficult to correct in adolescence and adulthood. Dr. Dovidio agreed that children attend more readily to racial distinctions than other differences."

263 F. Supp.2d at 68-69. *See, e.g.*, Phyllis Katz, *Development of Children's Racial Awareness and Intergroup Attitudes*, in *Current Topics in Early Childhood Education* 17-54 (Phyllis Katz, ed.) (Vol. 4, 1982).

[5] *Id.*

of racial categorization."[6] During these latter years, stereotypes can become deeply entrenched and difficult to dislodge.[7]

Our perceptions as parents and teachers are consonant with the findings of cognitive psychologists. Children initially notice racial difference the way they notice hair or eye color. Many white parents note with interest their very young children's refusal to refer to themselves as "white," because of course, their skin is not "white" the way a white crayon is white. Black parents find their children equally perplexed by references to them as "black" since often their skin is a shade of brown. However, as children grow older, they begin to ascribe weightier significance to differences associated with race or ethnicity unless in an environment where this impulse is addressed and curbed. Among the most effective means of eliminating or preventing the entrenchment of stereotypes and prejudices is a multiracial

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[6] Marguerite N. Alejandro-Wright, *The Child's Conception of Racial Classification: A Socio-Cognitive Developmental Model,* in BEGINNINGS: THE SOCIAL AND AFFECTIVE DEVELOPMENT OF BLACK CHILDREN 185, 186 (Walter Recharde Allen et al. eds.) (1985).

[7] *See generally*, Rebecca Bigler & L. S. Liben, *A Developmental Intergroup Theory of Social Stereotypes and Prejudice* at 39-89 in ADVANCES IN CHILD DEVELOPMENT AND BEHAVIOR, (R. V. Kail, ed.) (Vol. 34, 2006) (positing that racial separation is a causal factor in stereotyping because merely seeing people sorted by some human attribute leads children to believe that the groups differ). *See also* FRANCES E. ABOUD, CHILDREN AND PREJUDICE (1988).

school setting where children from multiple races and ethnicities are welcome and valued.[8]

This Court has also recognized in *Brown*, 347 U.S. at 483, and beyond the multitude of harms associated with racially separate education for children. In the years following *Brown*, federal courts at every level wrestled with the challenge of eliminating segregation while not wholly usurping local control and community support for schools. *See, e.g., Milliken*, 418 U.S. at 741; *Dayton Bd. of Educ. v. Brinkman*, 433 U.S. 406 (1977); *Estes v. Metropolitan Branches of Dallas NAACP*, 444 U.S. 437 (1980).

The Court's traditional support for locally conceived responses to local problems in the context of K-12 education is akin to the Court's respect for universities in making academic decisions. *Grutter*, 539 U.S. at 328. The salient difference in the two contexts is that universities are engaged in a merit-based admissions process in which they are apportioning a scarce resource. School districts by contrast welcome all children and are attempting to create the best possible schools for all. In other words, universities are dividing a pie with too few pieces and school districts are trying to bake the best possible pie for everyone. Under either respondents' policy, no student is denied admission to a school within their district.

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[8] *See generally* Frances E. Aboud & Sheri Levy, *Intervention to Reduce Prejudice and Discrimination in Children and Adolescents*, in REDUCING PREJUDICE AND DISCRIMINATION (2000).

To survive strict scrutiny, the school authorities' burden is first to show that, as in the higher education context, education in a multiracial setting provides critical educational benefits, and then to show that the plan established is narrowly tailored. Education has long been defined more broadly than merely skills acquisition. Public schools inculcate the values of our democratic political system and prepare our children to become citizens in our democracy. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 681 (1986). As parents and educators, we expect our schools both to provide our children rigorous academic programs as well as the multitude of skills necessary to conduct themselves as productive citizens and to avail themselves of employment opportunities in the modern economy. These latter goals require, in addition to mastery of academic subject matters, that our children not hold debilitating stereotypes about themselves or people different from themselves.[9]

In Seattle and Jefferson County, the local governments adopted voluntary student assignment plans that sought to ensure that students are educated in a multiracial setting. In the sections that follow, we describe the specific educational benefits that flow from education in such a setting.

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[9] Brief for 65 Leading Corporations as *Amici Curiae* Supporting Respondents, *Grutter v. Bollinger, Gratz v. Bollinger* at 7 (*citing* JEAN-MARIE MARTINO, DIVERSITY: AN IMPERATIVE FOR BUSINESS SUCCESS (1999)).

A. Children Educated in a Diverse Setting Are Best Able to Work and Play with People from Other Races and Ethnicities

Our challenge now is to move above and beyond our separate, divisive experiences and build a shared experience, the experience of working together not as black persons and white persons but as human beings.[10]

When the National PTA merged with the National Congress of Colored Parents and Teachers in 1970, the PTA's commitment to the significance of people of all races working together going forward was evident. Even as early as the 1950s, however, the PTA pledged in its Nine-Point Program to "Expand the emphasis upon the interdependence of peoples and the values of better world understanding." As parents and educators in today's society, we know that for all students, when students learn with students of other races and ethnicities, there is a dramatic increase in cross-racial understanding and a reduction in racial prejudice. These are critical educational objectives for our schools. As parents and teachers, we consider these lessons necessary both to prepare our children to be responsible citizens[11] and also to succeed in our diverse economy.[12]

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[10] National PTA President Pearl Price, Remarks on the Unification with the National Congress of Colored Parents and Teachers, in THE PTA STORY: A CENTURY OF COMMITMENT TO CHILDREN at 117.

[11] Cross-racial friendships can be powerful motivators for civic courage. Indeed, personal ties between gentiles and Jews, including whether they were childhood friends or schoolmates, rather than political or religious affiliation, were found to be significant factors distinguishing rescuers

Not surprisingly, when a school setting contains students from multiple racial groups, all students regardless of race feel higher degrees of comfort with members of racial groups different than their own.[13] Such school settings provide students with a rich set of experiences through which to analyze prevailing racial and ethnic stereotypes and tend to lead to a dramatic decrease in discriminatory attitudes and prejudices.[14]

School encompasses far more than the classroom. Children learn many important life lessons working through conflicts on the playground, sharing after-school activities, and helping with bake-sales and other events that support our schools. When a school contains a wide array of students from different backgrounds, it becomes more difficult to hold caricatured views of any racial or ethnic group. Students can be eloquent in describing this phenomenon. Wells et al. interviewed many such students in their forthcoming book. A white Shaker Height High graduate, who now helps run an

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and non-rescuers of Jews during the Holocaust. David P. Gushee in MANY PATHS TO RIGHTEOUSNESS: AN ASSESSMENT OF RESEARCH ON WHY RIGHTEOUS GENTILES HELPED JEWS (2001).

[12] *See generally* ALEC GALLUP, THE PHI DELTA KAPPA GALLUP POLL OF TEACHERS' ATTITUDES TOWARDS THE PUBLIC SCHOOLS (1985).

[13] *See generally* Michael Kurlaender & John T. Yun, *Measuring School Racial Composition and Student Outcomes in a Multiracial Society*, AM. J. EDUC. (forthcoming); Thomas Pettigrew & Linda Tropp, *A Meta-Analytic Test of Intergroup Contact Theory*, 90 J. PERSONALITY & SOC. PSYCHOL. 751, 751-83 (2006).

[14] *See generally* Melanie Killen & Clark McKown, *How Integrative Approaches to Intergroup Attitudes Advance the Field*, 26 J. APPLIED PSYCHOL. 612 (2005).

international business with this father and siblings, "noted that he thinks that people's prejudices gets broken down once someone 'blows the model' of what a black person or a Hispanic person is "supposed to be like."[15] Helping students dislodge their prejudices is a necessary first step to achieving cross-racial understanding.

White children are most likely to experience these benefits from multiracial educational settings. White families live in the most racially isolated settings, living and playing only with other whites, while members of minority groups more often live in neighborhoods with other minority groups.[16] Those of us who are with children every day see vividly that white children who are in contact with children from other racial and ethnic groups are able to form friendships across race and to work cooperatively with students of other races and ethnicities.

Our perceptions are confirmed by the work of social scientists.[17] As the powerful survey and interview data from

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[15] WELLS, A.S.; HOLME, J.J.; REVILLA, A.J. & ATANDA, A.K. BOTH SIDES NOW: THE STORY OF DESEGREGATION'S GRADUATES Cambridge, MA: Harvard University Press. (in press) [hereafter BOTH SIDES NOW].

[16] *See generally* Michael Kurlaender & John T. Yun, *Is Diversity a Compelling Educational Interest? Evidence from Louisville*, in DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION (Gary Orfield & Michael Kurlaender, eds.) (2001); PAMELA PERRY, SHADES OF WHITE: WHITE KIDS AND RACIAL IDENTITIES IN HIGH SCHOOL (2001).

[17] John T. Yun, & Michal K. Kurleander, *School Racial Composition and Student Educational Aspirations: A Question of Equity in a Multiracial Society*, 9 J. EDUC. FOR STUDENTS PLACED AT RISK, No. 2, 143-168 (2004).

the brief submitted by *amici* Wells et al. demonstrates, white students who experience interracial contact value those experiences and consider them helpful in preparing them to live and work in multiracial communities.[18] Many white graduates of diverse high schools say that "because they attended diverse high schools, as adults they were more at ease in interactions with people of different backgrounds and more willing to engage in conversations with people of color than many other whites they know."[19]

Children from minority groups are similarly more comfortable forming friendships and working comfortably with children of other races, particularly white children, when they are educated in multiracial settings. As Wells et al. recounted: "African American interviewees also noted that their experiences made them feel less intimidated by, fearful of, or subservient toward white people."[20] Feeling confident and strong is obviously necessary for true cross-racial friendships and work relationships.[21]

Parents and teachers see first hand that multiracial and ethnic education settings help students of all races develop

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[18] Brief for Amy Stuart Wells et al. as *Amici Curiae* Supporting Respondents, *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist.*, #1, (No. 05-906); *Meredith v. Jefferson County Bd. of Educ.* (No. 05-915).

[19] BOTH SIDES NOW (Chapter Six).

[20] *See* Wells, Holme, Revilla and Atanda (forthcoming, spring 2007) and Holme et al. (2004).

[21] *See generally* JANET WARD SCHOFIELD, BLACK AND WHITE IN SCHOOL: TRUST, TENSION OR TOLERANCE? (1989) (showing that behavior changed over time as kids became more comfortable with members of other racial groups and were less likely to avoid them).

higher level critical thinking and cognitive skills.[22] These experiences allow children to challenge stereotypes in the mass media and elsewhere and to read literature more critically. Educational psychologists have found that exposure to "discrepant" experiences enhances students' critical thinking and cognitive skills because students are required to think beyond their intuitive assumptions.[23]

B. Multiracial Education Promotes Higher Aspirations for Minority Children

> *Unless we can look into the face of a little child and say, "I believe that child is capable of doing something better than what he is doing now," there is no hope for the child in his ability to work out a safe democracy for the future.*[24]

Helping children realize their fullest potential while in school and when they leave school to enter adulthood has always been intrinsic to the educational endeavor. For black and Latino students, education in a multiracial setting has the additional benefits of familiarizing them with the mores of the dominant culture and leading to richer opportunities to advancement and higher career aspirations. Minority

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[22] Ellen Goldring and Claire Smrekar, *Magnet Schools and the Pursuit of Racial Balance*, EDUC. & URBAN SOC'Y, Nov. 2000, at 17, 33.

[23] Willis D. Hawley, *Designing Schools that Use Student Diversity to Enhance Learning of All Students*, in CAN WE MAKE A RAINBOW? FROM SEGREGATION TO INTEGRATION (Erica Frankenberg and Gary Orfield eds., University of Virginia Press forthcoming 2007).

[24] Clara Gay, Outgoing President of the Nat'l Congress of Colored Parents and Teachers, Remarks at the Nat'l Congress of Colored Parents and Teachers Convention (June 22, 1970), in PTA STORY: A CENTURY OF COMMITMENT TO CHILDREN at 117.

students who attend racially diverse schools are more likely to complete high school, attend college, and connect with a diverse peer network.[25] In addition, minorities who graduate from racially diverse schools are likely to earn higher degrees and major in more "nontraditional" occupations than graduates of racially isolated schools.[26]

Multiple studies of minority students who attend racially diverse schools show that such students are more likely to obtain white-collar jobs, to feel prepared for leadership positions in private and public contexts, and to have higher earnings than their counterparts who attended racially isolated schools.[27] It is not the PTA's position that the presence of white children is necessary for minority students to learn, rather, that the social networks and opportunities more readily available to white children are most likely to be available to minority children if they learn and play together.

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[25] *See, e.g.,* Walter G. Stephan, *School Desegregation: Short and Long Term Effects*, in OPENING DOORS: PERSPECTIVES ON RACE RELATIONS IN CONTEMPORARY AMERICA 100-118 (Harry J. Knople, Robert J. Norrell & Ronald W. Rogers eds., University of Alabama Press 1991).

[26] *See* Amy Stuart Wells & Robert L. Crain, *Perpetuation Theory and the Long-Term Effects of School Desegregation*, 64 REV. EDUC. RESEARCH No. 4 531-555 (1994).

[27] *See, e.g.,* Orley Ashenfelter, William J. Collins, & Albert Yoon, *Evaluating the Role of Brown v. Board of Education in School Equalization, Desegregation, and the Income of African Americans*, (Nat'l Bureau of Econ. Research, Working Paper No. 11394, 2005) available at https://www.nber.org/papers/w11394; AMY STUART WELLS & ROBERT L. CRAIN, STEPPING OVER THE COLOR LINE: AFRICAN-AMERICAN STUDENTS IN WHITE SUBURBAN SCHOOLS (Yale University PRESS (1997); SUSAN EATON, THE OTHER BOSTON BUSING STORY (Yale University Press 2001).

II. Race Conscious Admissions Plans in Some Communities May be Necessary to Assure Multiracial Education

> *The time has come for parents, the community and the government – local, state and federal – to support public schools, and their teachers, aggressively. It is our job in this generation to assure the doors to opportunity through education remain wide open for all children.*'[28]

While the National PTA will leave it to others to evaluate the specifics of the Seattle and Jefferson County student assignment plans for purposes of evaluating whether such plans are narrowly tailored, the PTA urges the Court to consider the importance of discretion to local school districts and communities in determining precisely how to balance the many competing needs of the community. In many communities, in light of the residential demographics,[29] neighborhood schools will necessarily be racially isolated. Accordingly, school districts seeking the benefits of education in multi-racial settings may need to take race into account in establishing their admissions policies.

The PTA celebrates the link between schools and communities and acknowledges their interdependence. We cannot create strong public schools without parent and community support. Because of the significance of parental

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[28] Ann Kahn, Past PTA President, Challenge in the 1980s, in PTA STORY: A CENTURY OF COMMITMENT TO CHILDREN at 117.

[29] http://www.census.gov/hhes/www/housing/housing_patterns/ch1.html

and community support, the PTA considers voluntarily adopted race conscious school admissions plans to play a dramatically different role in schools and communities than those adopted by court order. While both seek a salutary end -- multi-racial education -- a voluntary plan does so as part of local governance with community support.

During the years in which the Court sought to implement the promise of *Brown*, this Court struggled with the competing tension between local control and the overriding importance of eliminating state-imposed segregation. As Justice Stewart stated in *Wright v. Council of the City of Emporia*, "'[d]irect control over decisions vitally affecting the education of one's children is a need that is strongly felt in our society.'" *Wright v. Council of the City of Emporia*, 407 U.S. 451, 469 (1972). In dissent, former Chief Justice Rehnquist agreed, that '[l]ocal control is not only vital to continued public support of the schools, but it is of overriding importance from an educational standpoint as well.'" 407 U.S. at 469. In *San Antonio v. Rodriguez*, 411 U.S. 1 (1973), this Court stated that "A vital aspect of local control 'is the opportunity it offers for participation in the decision making process that determines how...local tax dollars will be spent. Each locality is free to tailor local programs to local needs. Pluralism also affords some opportunity for experimentation, innovation, and a healthy competition for educational excellence.'" 411 U.S. at 50.

These lessons are well remembered here. Parents in school districts that have chosen voluntary race conscious admissions plans support those programs. Indeed, the survey conducted by the University of Kentucky Research Center

concerning the Jefferson County plan found that 77% of all parents agreed that school assignments should ensure that children attend school with children of other races. JA-107.

These programs also reflect a careful balance between other community-supported values, such as attending neighborhood schools, and racial inclusion. This sort of balancing is best done at the local level – where parents and educators can have a voice.

For those parents who feel strongly that education in a multiracial setting is important for their children, a court decision to the contrary may lead them to disengage from their schools. Just as in the earlier stage of this country's response to court-ordered school decision making led some parents to private schools, so too might such a decision in this case. Educators in both public and private primary and secondary schools value the benefits of integrated learning.[30]

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[30] Both religious and secular primary and secondary schools recognize the value of a multi-racial education. The National Association of Independent Schools notes its "deep commitment to diversity and multicultural education." National Association of Independent Schools, Creating Community Out of Diversity, http://www.nais.org/equity/index.cfm?Itemnumber=147336. In a recent article in the Catholic Herald, Dr. Timothy J. McNiff, diocesan superintendent of schools, told of efforts of "Catholic schools in the Arlington Diocese . . . to grow and reach out to minority students in an unprecedented way." http://www.catholicherald.com/articles/06articles/schools0706.html. The Dalton School, a well-known independent school in New York City, explains its commitment to a racially and integrated education thusly:

It would be ironic indeed if parents were forced to send their children to private schools to obtain these benefits.

As parents and teachers of the PTA, we aspire to build strong schools and communities to ensure that all of our children have the brightest possible future. We are firmly convinced that a multi-racial student body is critical to these goals.

CONCLUSION

For the foregoing reasons, this Court should conclude that the Government has a compelling interest in ensuring that students in the years between kindergarten and high school graduation are educated in a multiracial setting and

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> To live and function successfully in our world, a great education must include learning with children and from teachers whose backgrounds, beliefs, and perspectives reflect that variety. While it is important for each child to understand his or her own background and historical roots, we must not isolate ourselves from the more diverse culture in which we will increasingly live. To do so would be to shortchange our children.

Another well-known private school, Sidwell Friends in Washington D.C., states that it "believes that diverse perspectives and meaningful inquiry fuel academic excellence and promote personal growth. Each of its three divisions stresses empathy, equity and social justice in age appropriate ways." About Sidwell Friends School: Diversity, http://www.sidwell.edu/about_sfs/diversity.asp (last visited Oct. 8, 2006).

that modest voluntarily adopted race conscious admissions plans may be necessary to achieve this compelling interest.

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